

REMARKS

Claims 1-5, 7-39, 46 and 47 are pending. Applicants respectfully request reconsideration and reexamination of the application for the following reasons.

Claim Rejections - 35 USC § 102(e):

Applicants respectfully submit that US 5,808,607 (Brady) does not anticipate any of the rejected claims because Brady does not disclose each and every limitations of the rejected claims, as discussed below.

Claims 1-5, 7-18, 46 and 47:

Brady does not disclose at least the following limitations of claim 1:

"wherein the management center comprises a mapping engine for mapping trace routes between the management center and the at least one node and trace routes between the management center and the client and for comparing the trace routes between the management center with the trace routes between the management center and the client in order to determine the optimal delivery route."

Brady states that "movies are assigned to nodes that are electrically close (e.g. physically or geographically close)."

5:2-3 and discusses using a "shortest path" (9:28). However, it does not disclose how the "shortest" or "closest" node is determined or selected.

Brady does not disclose, "mapping trace routes between the management center and the at least one node and the trace routes between the management center and the client" and does not disclose "comparing the trace routes between the management center and the at least one node with the trace routes between the management center and the client".

Moreover, although Brady states that, "I/O switch 94 is further able to select, dynamically, a best communication link 96 given a current state of the various links" (9:2-4) and that a "routing processor 100 accesses rout table 106, examines the state of routing switch 108 and selects an optimal link adapter 98 for transmission of the message" (9:21-24), it does not disclose "mapping trace routes between the management center and the at least one node and the trace routes between the management center and the client" and does not disclose "comparing the trace routes between the management center and the at least one node with the trace routes between the management center and the client in order to determine the optimal delivery route" as recited in claim 1.

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Applicants therefore respectfully requests that the Examiner withdraw the rejection of and allow claim 1. Applicants respectfully submit that dependent claims 2-5, 7-18, 46 and 47 are also allowable for at least the same reasons, because they depend from allowable claim 1.

Claims 19-21:

For reasons similar to those discussed above, with respect to claim 1, Brady does not disclose "mapping trace routes between the management center and a plurality of nodes and for mapping trace routes between the management center and each of the plurality of nodes in order to determine a first optimal node in a first optimal delivery route to a first client and to determine a second optimal node in a second optimal delivery route to a second client" as recited in claim 19. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 19. Applicants respectfully submit that dependent claims 20 and 21 are also allowable for at least the same reasons, because they depend from allowable claim 19.

Claims 22-25:

For reasons discussed above, with respect to claim 1, Brady does not disclose "mapping trace routes between a management center and a plurality of nodes and between the

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management center and the client to determine an optimal node" as recited in claim 22. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 22. Applicants respectfully submit that dependent claims 23-25 are also allowable for at least the same reasons, because they depend from allowable claim 22.

Claims 26 and 27:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "wherein determining the first optimal delivery route comprises mapping trace routes between a management center and a plurality of nodes and between the management center and the first client to determine a first optimal node" as recited in claim 26. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 26. Applicants respectfully submit that dependent claim 27 is also allowable for at least the same reasons, because it depends from allowable claim 26.

Claims 28-33:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "comparing results of the trace route from the management center to the client to results of a plurality of trace routes from the management

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center to a plurality of nodes within the network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the client" as recited in claim 28.

Claims 34 and 35:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "wherein determining an optimal delivery route comprises mapping trace routes between the management center and the first client and mapping trace routes between the management center and a plurality of nodes" as recited in claim 34. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 34. Applicants respectfully submit that dependent claim 35 is also allowable for at least the same reasons, because it depends from allowable claim 34.

Claims 36 and 37:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "comparing results of the trace route from the management center to the client to results of a plurality of trace routes from the management center to a plurality of nodes within the network to provide a hierarchical estimate of a plurality of more efficient network

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links from nodes within the network to the client" as recited in claim 36. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 36. Applicants respectfully submit that dependent claim 37 is also allowable for at least the same reasons, because it depends from allowable claim 36.

Claim 38:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "comparing results of the trace route from the management center to the first and second computing devices to results of a plurality of trace routes from the management center to a plurality of nodes within the network to provide a hierarchical estimate of a plurality of more efficient network links from nodes within the network to the first and second computing devices" as recited in claim 38. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 38.

Claim 39:

For reasons similar to those discussed above with respect to claim 1, Brady does not disclose "wherein the optimal delivery route is determined by performing mappings to and from the at least one router device and the management center and performing mappings to the client from the management

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center and comparing results of the mappings to the client from the management center to the results of the mappings to and from the at least one router device and the management center" as recited in claim 39. Applicants therefore respectfully request that the Examiner withdraw the rejection of and allow claim 39.

Claim Rejections - 35 USC § 103:

Applicants respectfully submit that claims 14-17 are not obvious over Brady because Brady does not disclose, teach or suggest all of the limitations of any of claims 14-17. For reasons discussed above, with respect to claim 1, Brady does not disclose, teach or suggest all of the limitations of claim 1. Claims 14-17 are allowable for at least the same reasons because they depend from allowable, independent claim 1.

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Conclusion:

Accordingly, Applicants respectfully submit that Claims 1-5, 7-39, 46 and 47 are in proper form for allowance. Reconsideration and withdrawal of the rejections are respectfully requested and a timely Notice of Allowance is solicited. If there are any questions regarding any aspect of the application, please call the undersigned at (949) 752-7040.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


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